IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.77 OF 2006

IN

MISCELLANEOUS PETITION NO.10 OF 2005

The Administrator General of Maharashtra State ... Petitioner

vs.

Muradkhan M.Babi ... Respondent

Mr.A.L.N.Khatri, for Petitioner.

Ms.J.M.Sidhwa i/b. Manoj Bhatt, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 5th October,2006

P.C.:-

1. The flat which is subject matter of the notice of motion viz. flat no.702, 7th floor, in Palm Beach, Riviera Co-operative Housing Society Ltd., Gandhi Gram Road, Juhu, Mumbai-400049, which is the property of the

deceased by name Parveen Babi, is presently in possession of the Administrator General. The Administrator General has already made inventory of articles lying in the flat. Presently the Administrator General has to pay outgoings of the property. Some parties have filed proceedings claiming to be heirs of the deceased Parveen Babi, but their rights yet have not been established. In these circumstances, therefore, in my opinion, the following order would meet the ends of justice:-

1. The Administrator General shall first find out which of the articles which are found in the flat can be given in possession of the person who will be occupying the flat pursuant to this order and which of the articles cannot be given possession to that person. The articles of which the Administrator General cannot give possession to the occupant shall be segregated and then the Administrator General shall consider the question whether it is necessary to keep one room of the flat in possession of the Administrator General for storing those articles or some other arrangement can conveniently be made for safe custody of those articles. The Administrator General is at liberty to seek appropriate orders from the Court in that regard.

2. Thereafter, the Administrator General shall call bids for appointing person as agent of the Administrator General to be in possession of the flat on usual terms and conditions on which the Court Receiver of this court appoints agent. The Administrator General shall appoint the highest bidder as

agent of the Administrator General to be in possession of the flat until further orders.

3. The amount of royalty that may be received by the Administrator General shall, after making payments that may be necessary, be invested in fixed deposit in a nationalised bank subject to the final order that Court may make.

4. It is clarified that the amounts of outgoings that may be payable to the society, for the period till the flat is given in possession of the agent, shall be paid by the Administrator General from the amount of the royalty received from the agent.

5. So far as prayer clause (b) is concerned, in my opinion, it will not be appropriate to pass any order in this regard at this stage. The Administrator General shall be at liberty to take out appropriate application seeking order in that regard from this court at the subsequent stage.

The notice of motion is disposed of.

At this stage, a request is made on behalf of the respondent for stay of this order. The request is rejected.